DESERET EVENING NEWS.

Wednesday, June 3, 1891.

Copy for advertisements which are regular in appearance in the Deseret News must be received before 10 o'clock a. m. Copy for advertisements which are irregular in appearance, or which require special arrangement, should be handed in at the business department and not later than 12 m.

Rates of advertising furnished upon application.

[ ]CLAS for advertisements sent in without rate.

A CALL.

Territorial Central Committee of the People's Party.

A meeting of the Territorial Central Committee of the People's Party of Utah is hereby called to convene at the Social Hall, Salt Lake City, on Wednesday, June 10th 1891, at 2 p. m., to consider the present political situation.

F. S. RICHARDS, Chairman.

FRAGMENTS.

JUNE 15th is announced as the date of the Old Folks' excursion this year, and springville is the place named.

GEORGE ADAMS and Emily Hunt were married yesterday afternoon married by Judge Bartch.

A SECOND quartette of inebriates were arraigned before Justice Laney today and fined $5 each.

THE Tooele Quorum of Elders will meet in the South Ward meeting house tomorrow (Thursday) night, at 7:30.

FIFTY tramps are now confined in the County Jail, of that number more than two-thirds mostly prisoners.

THIS is the last week of registration for the August election. Do not fail to see that your name is on the list.

ORDERS continued in Corporation Judge Anderson is still unable to resume his political duties.

D. C. PAGE is registered on the Police record for disturbing the peace. John West is under arrest for assault and battery.

UPWARDS of $600 was realized during May from fines, forfeitures and costs, in the Police court. The amount has been turned over to Treasurer Walton.

THERE are numerous claims against Western Union Telegraph office for Mrs. A. McDougal, J. E. Frederis, George B. Robinson, B. J. Roberts.

THE Undertaking Company filed articles of incorporation today. The capital stock is $10,000. The company consists in the business of J. G. Ross.

THE time of registration goes absolutely on. Would-be citizens should not forget to see that their names are passed on the register as soon as possible.

THE Library and Family Library for June have been received and are now on sale by the Utah Book and Stationery Company, 12 Main Street, formerly Dunbar Mercantile & Co.

A SPECIAL train consisting of eight cars, loaded with 112 thoroughbred horses, passed through this city yesterday near the Rio Grande Western, en route from California to New York.

MARY E. NORLY has been appointed postmistress at Honeyville, Box Elder County, Utah, in place of H. H. Thomas, resigned. Christian Jacobson, postmaster at Lewiston, Cache County, Utah, in place of M. A. Hendricks, resigned.

UNITED STATES DISTRICT ATTORNEY VARIAN, who has been confined to the house for some days with an attack of "la grippe," is able to be about again. He still looks very sick. He was in the Supreme Court for a time this morning.

IN the Supreme Court of the Territory this morning, on motion of Attorney Putnam, Mr. S. R. King, a member of the bar of the Supreme Court of Colorado, was admitted to practice in this court. Mr. King is at present residing at Provo, Emery County.

APPLICATIONS for citizenship are still coming in the Court. This morning William H. Barnes, Jesse Knowlton, George Smithson and James C. Willard, all Englishmen, were admitted by Judge Zane prior to the sitting of the Supreme Court.

COMMISSIONER WELCOTT has discharged from custody N. A. Fleisig, the tramp man, arrested on the charge of assaulting whom there were allegations of outrages are to defend. The circumstances connected with the affair were reported in yesterday's NEWS.

IN reference to death notice in another column of this issue it will be observed that Brother Joseph F. Williams and wife, of the Twenty-first ward, have met with another sad bereavement in the death of their eldest daughter, Hazel. We extend our condolence to them in their hour of affliction.

THE case of the People vs. Louis Cohn, Weden F. Nebe and Louis Cohn and Hall, involving the question of time sales in the City Council, engaged the attention of the Supreme Court for about three-quarters of an hour this morning. The Judges (Justice Blackburn and Minery sitting) expected to render an opinion in the matter during the present week.

IT is reported that a motion for a new trial in the case of C. L. Shaver will be argued before the Supreme Court toward the end of the present week. It will be remembered that the defendant was convicted in the Third District Court a few days ago on a charge of obtaining money by false pretenses on the strength of an Ophir Canyon lumber Company of Omaha.

A SEVERE pain could not, who gave his name as Rose Delaney, was found wandering aimlessly about Commerce shortly before noon today. On a polemical, Annie Rose and Grace Delaney, the latter stated that he was lost and that he had been in this city but a short time; he was dragging at a load with his parents, but did not know where. Communication with the parents soon put the matter to rest. The boy was accompanied to the Marshal's office by his accompanying called at the City Hall and took the child away.

Y. L. M. I. A. Notice.

The regular meeting of the officers of the Y. L. M. I. A. committee will be held on Saturday, June 6th, in the Fourteenth ward Relief society Hall. Meeting to commence at 11 a. m. A prompt attendance is desired.

MARY A. KIMBALL,
State President.

A Breakdown.

In consequence of a violent in the machinery, the cars of the City Railroad company for the most the whole of yesterday ran very irregularly, and with considerable difficulty. While some of the cars were heavily laden with passengers they would come to a sudden stop, and in not a few instances fully an hour's delay ensued. The cause of the breakdown was attributed to "a giant." Last evening between the hours of 5 and 9 o'clock hardly a car moved. Men were, however, set to work all along the line, new connections were made, and this morning things were going in smoothly enough.

THE AGREEMENT CLOSED.

Mayor Scott Authorized to Sign the Joint Building Contract.

WHY THE CITY BONDS WERE NOT SOLD.

An Ordinance Passed Prohibiting the Cutting of Timber in City Creek Canyon Within the City Limits.

The City Council met in regular session last night, Mayor Scott presiding. Roll call was responded to by the following gentlemen: Cohn, Parson, Lyon, Anderson, Noble, Hall, Armstrong, Pendleton, Heath, Kastler, Stallard and James.

PETITIONS.

James F. Bron asked for an appropriation of $10 for sprinkling the east and west boulevards. Referred to the auditing.

Simon Dantzger et al. represented that they had laid a slag-little cement pavement on First South street between Sixth and Seventh East streets, and asked the sidewalk tax levied on their property be rescinded. Board of public works.

The Western Bill Posting Company asked to be allowed to erect a board board fence around the excavation originally intended for the basement of the proposed Joint City and County building, for bill posting purposes. Laid on the table.

Fred J. May asked that the Council reconsider their order of a previous meeting compelling him to lower a fence in front of his building now in course of construction on First South street. Not granted.

M. and A. Griffin asked for an appropriation of $1250 on sprinkling account. Granted.

F. W. Taylor asked for a special committee be appointed to define the location of the Salt Lake and Jordan water canal. Committee on irrigation.

E. Wilking asked for permission to pile building material at the corner of First South and Richards avenue for four months. Granted.

R. Wilkens asked for permission to erect a fruit stand on East Temple street near E. C. M. I. Committee on license.

Francis Simpson, father of F. J. Simpson, the young man who was accidentally killed at the gravel bank last March, asked that he be paid such damages as might be just and equitable, otherwise he would bring suit. Committee on claims.

W. S. Reeds & Co. asked for permission to pile building material at 41 Commercial street for thirty days. Granted.

Walter R. Green, administrator, asked for the remission of sprinkling tax. Referred to the sprinkling committee.

Glenn Nevada Lumber company asked that John G. Eccles be appointed a special policeman, vice Allen Thompson, resigned. Granted.

William J. Strong and others asked that the sprinkling tax on the south side of Fourth South, between Ninth and Tenth East streets, be abated. Committee on sprinkling.

Christensen & Jensen asked to be allowed to connect a private pipe with the waterworks, at their own expense.

Walter R. Green and others asked that the sprinkling tax on 828 feet on Fourth South street be remitted, and that the street between Ninth and Tenth East streets be graded. Committee on sprinkling and streets.

Willard Young asked to have plat E, Salt Lake City, surveyed. Committee on public grounds.

John H. Bailey et al. asked that the Great Salt Lake and Hot Springs railway company be compelled to lower its grade from four to five feet on Third West street. Committee on streets.

George E. Venzien asked for a transfer of license. Committee on license.

Frances Wolfen asked for a revision of the license ordinances. Committee on license.

NOTICES OF INTENTION.

City Recorder Jack reported the completion of the notice of intention for the extension of water mains on Independence avenue, Columbus street and North Capitol avenue. Confirmed.

MAPS AND PROFILES.

The city engineer filed the following: Profile and return maps and profiles showing proposed extension of tracks of the Salt Lake Rapid Transit company on Second South street between East Temple and Second West streets. Approved.

DOG TAX REPORT.

Dog tax collector Silver reported the collection of $210 dog tax for the month ending May 31st. Half of the amount was placed on the appropriation list.

TO OPERATE A DUMMY.

The West Side Rapid Transit company represented that its present terminal points were El Dorado, on the west, and Seventh South street and Second West, on the east; that it was the intention of the company to ultimately equip the road as an electric line, that with the present eastern terminal point the road did not pay expenses. Petitioners were therefore asked to operate the steam dummy engines now in use from the corner of Ninth South and Second West, east along Ninth South to First West, thence south on First West to Second South, the company having a right of way for an electric line over those streets. The petitioners agreed to use hard coal as fuel. Committee on streets.

POLICE COURT REPORT.

Police Magistrate Lancy submitted the following report of business transacted in the police court during the month of May: Number of cases tried, 200; total amount of fines, $1,[illegible]; fines paid in labor, $1,[illegible]; received and filed.

WATER CONDUITS.

The committee on streets recommended that the water conduits at the corner of First South and State street be constructed of 10-inch water pipe, with catch basins. Referred back to the committee with power to act.

ALLOWED AND DENIED.

The board of equalization and board of review on sidewalk taxes made the following recommendations: That the petition of the Brigham Young Trust company asking that Olive street be exempted from the tax for sidewalks be granted; that the petition of H. B. Scott, asking that the walk in front of his property on Third south street be exempted and the tax abated, be granted; that the petition of H. B. Scott that the brick walk in front of his property on State street be accepted and the tax abated, be granted; that the petition of J. H. Smith that the brick walk in front of his property on State street be accepted and the tax abated, be granted; that the petition of H. B. Wicks asking permission to lay a flagstone walk in front of his property on State and Second South streets be granted; that a similar petition of J. A. Fagan & Co. be granted; that the petition of C. R. Jack asking that the cement walk in front of his property on Third South street be accepted and the tax abated, be granted; that the petition of A. L. Simonds asking that the sidewalk assessment against the property end of the Knowlton estate be postponed be granted; that the petition of H. Pendleton asking that the cement pavement in front of his property on Third South street be accepted, be granted; that the petition of J. E. Dalton asking that the sidewalks in front of his property on Second South street and West Temple street be accepted, be granted. Adopted.

WHY THE CITY BONDS WERE NOT SOLD.

The following report from the committee on finance was read and adopted:

Gentlemen:

We, your committee, beg to report that on Monday, May 25th, the bids received for the Hospital Bond issue, were handed over to Attorney Van Cott for examination. None of the bids, in our opinion, meet the wishes, interests and intentions of the council. Your committee, with the mayor and treasurer associated, opened all bids received, and recommend that you give the finance committee, with the mayor and treasurer associated, power to reconsider the sale of said bonds at private sale.

MR. HALL—If the petition is granted it should not be done without some restriction. I move that the committee be instructed not to sell them at less than par.

This motion caused an outburst of laughter and Mr. Lyon suggested that Mr. Hall be made a member of the committee. That gentleman declined and the report was adopted.

IT WAS DEFEATED.

An ordinance providing for the compensation of private citizens and special policemen for making arrest was introduced, but was unlisted.

TO PROTECT CITY CREEK SHRUBBERY.

Assistant City Attorney Richmond submitted an ordinance prohibiting the destruction or removal of trees, underwood or shrubbery in City Creek canyon within the limits of the city, which was passed. The ordinance provides that any person who shall cut down, injure or carry off any wood, underwood, shrubbery in City Creek canyon, within the city limits, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed $100 for the first offense, or imprisoned for a period not to exceed 100 days, or both fine and imprisonment for any subsequent offense. The ordinance is to take effect five days after its passage.

UNCONSTITUTED TRENCHES.

Mr. James cited the attention of the Council to the negligence and dangerous manner in which the officers in charge of the laying of water mains left open trenches at night, that these openings were not covered the city would have a heavy damage suit to contend with.

NO FENCE YET.

A somewhat animated and unprofitable discussion ensued as to the advisability of adopting the suggestion of the Mayor with reference to putting a new fence around Liberty Park.

THE JOINT BUILDING CONTRACT.

The joint city and county building committee reported that at a meeting held in the afternoon the following resolution was adopted: "That the joint city and county building committee recommend to the City Council and board of commissioners the adoption of the amended contract with Henderson, Bird & Fox Bros. and that the following amend bondsmen be accepted in lieu of those originally offered: Jesse W. H. Remington, F. H. Dyer, E. C. Coffin, J. F. Woodman, Andrew Gobourn, James Low, Emanuel Eaton, Daniel Dunham, O. J. Lyon."

The report was adopted and the mayor was authorized to sign the contract.

APPROPRIATIONS.

The following appropriations were made:

N. McGinness, mileage for year, clerical service	$ 120 00
Same fees, mileage for precinct, 740 [illegible]	296 00
Same, [illegible]	1,[illegible]
Same, [illegible]	1,[illegible]
Same, [illegible]	41 [illegible]
Joseph Stone, [illegible]	[illegible]
Total	$4,[illegible]

Adjourned for one week.

Money Needed.

OFFICE OF THE NATIONAL EXECUTIVE COMMITTEE, SECRETARY'S OFFICE, WASHINGTON, D. C., May 29, 1891.

Hon. E. G. Chambers, Salt Lake City, Utah.

Dear Sir—Our committee are in such difficulties for want of the use of money to pay printers and for the very increasing demands for our publications, that we have to resort to all sorts, will be compelled to stop work. This would be a serious loss to the cause. The people are anxious, full and willing in the most propitious time we could have for years to educate the people of the agricultural and manufacturing states on this question, and they looked to us super doubts to conduct the campaign.

We need $1,000 at once. Cannot the good citizens of Salt Lake raise and forward that to our treasury soon?

Yours respectfully yours,
(Signed) L. S. JENNINGS.

Probate Court.

Estate of Thomas A. Lyon; June 12 fixed to hear return of sale of real estate.

Estate of Samuel Benning; June 16, 1891, to hear return of commissioners in partition.

Estate of Thomas Reiley; bond of Henry Conlon, administrator, in the sum of $2,400.

Estate of John C. Carson; the following claims were allowed: R. W. Fisher, M.D., [illegible] Robert Stephens, $97.[illegible]; Morrison, Merrill & Co., $252.80; E. R. Evans, $[illegible]; W. H. Hagenbach, $[illegible]; Arthur Brown, $140.[illegible]; J. W. Farrell & Co., $97.[illegible]; W. D. Pavey, $[illegible].

Estate of George Dunford; claim of L. A. Walton for $[illegible] allowed and case continued to June 6, at 11 a.m.

SUPREME COURT.

The Consolidated Case Comes Up for Argument: Other Matters.

This morning the Territorial Supreme court again met, and disposed of the business reported below.

The action of Redmond vs. the Oregon Short Line was ordered placed on the calendar and the hearing set for June 12th.

A FIRE INSURANCE DISPUTE.

The first case called was that of Hong Sing, a Chinaman, vs. the National Assurance company of Ireland, appellant. It was an appeal from Judge Minery's court at Ogden.

Maloney and Pierce represented the respondent; Bennet Marshall & Bradley were for the insurance company. There were two other actions involved in which Hong Sing was also plaintiff and respondent and the Scottish Union and National Insurance company of Edinburgh and the Phoenix Assurance company were the defendants and appellants.

The three cases were originally brought in the First district court in order to recover damages on policies of insurance issued by the several companies. They were, by consent of the parties, heard together, and a verdict was returned for the plaintiff in each case. On the 7th of September, 1890, notices of motion for a new trial were filed, and on the trial the motion was overruled. From this judgment the present appeal was prosecuted.

The cases were submitted after a lengthy argument.

REFERRED FROM A RAILWAY CASE.

The next case argued on appeal from the First district court, was that of Thurza Nichols and Hosea B. Nichols, respondents, vs. the Union Pacific Railway company, appellants.

Mr. Maloney appeared for the former and Mr. Van Cott for the latter. The action was originally brought by Mr. and Mrs. Nichols to recover damages for the alleged wrongful ejection of the wife, on October 31st, 1887, from one of the passenger cars on the company's line of railway, at a place between Ogden, Hot Springs and Willard, in Box Elder county, she having no ticket in her possession, though it was alleged she tendered the money necessary to pump the fare, and that some time company pleaded a rule requiring that when a ticket is purchased on the train, 25 cents extra in addition to the regular fare should be paid. The jury, by verdict, the respondent knew, and it was for the sole reason that Mrs. Nichols refused to pay the 25 cents demanded that she was ejected from the car. The jury returned a verdict for $175, and interest $50, making a total of $225, for which sum judgment was entered, with costs of $[illegible]. The chief grounds of appeal were insufficiency of evidence to justify the verdict and errors in law.

The matter was now submitted for the court's consideration.

THE USURPATION OF SEATS.

At 11:30 the case of the People of Utah Territory, plaintiffs, vs. Louis Cohn, Warden F. Nebe and Louise E. Hall, defendants, was taken up.

Attorney Le Grand Young represented the action, and F. L. Williams appeared for the defendants.

The amended complaint was filed by County Attorney Murphy, on relation of Richard W. Young, William J. Tuddenham and John Towson Smith, who it is declared therein were at the February election, 1890, duly and duly elected as councilmen for the Fourth municipal ward, and are now ready and had offered to enter upon their duties. Plaintiffs declare that the three defendants unlawfully usurped and in the afternoon the "unlawfully pretending to be the councilmen from and for said municipal ward, to the damage and injury of the people of said Territory and the plaintiffs of said relators." Wherefore plaintiffs pray for judgment against the defendants, that they be excluded from office and Tuddenham and Smith be adjudged to be the rightful holders of the seats.

The defendants demur to the foregoing amended complaint and allege that it does not state facts sufficient to constitute a cause of action against them. They also allege that the petition shows several causes of action had been improperly united in the complaint.

The arguments occupied less than an hour, and were mainly up to a large extent of quotations from the statutes and from cases bearing upon the present point. Mr. Le Grand Young and Mr. Williams respectively insisted that there had been no duplicate of parties, as was asserted in the demurrer to the complaint, and that the only question was, had the defendants any right to the seat to which they had laid claim. He contended that they had not, and that inasmuch as a large number of quotations from the statutes and from cases bearing upon the present point had been quoted, Le Grand Young emphatically